IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:23-CV-431-RJC-DCK

DELSONYA WILKINS-BAILEY,)
Plaintiff,	ORDER
v.)
ESSITY PROFESSIONAL HYGIENE)
NORTH AMERICA, LLC,)
Defendant.)))

THIS MATTER IS BEFORE THE COURT on "Non-Party Omar Punjabi, M.D.'s Motion To Modify Or Quash Subpoena" (Document No. 36) filed December 6, 2024. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and in the interests of efficient case management and judicial economy, the undersigned will grant the motion with modification.

By the instant motion, non-party Omar Punjabi, M.D. ("Dr. Punjabi") indicates that on the afternoon of Wednesday, December 4, 2024, he received a Subpoena issued by the Defendant in this action commanding his appearance at a deposition on December 13, 2024, beginning at 9:30 a.m. (Document No. 36). Dr. Punjabi indicates that he "has a full schedule of patients to be seen in the clinic on December 13, 2024," and that "[c]anceling those patients with less than 10-days' notice would be an undue burden on Dr. Punjabi, his staff, and, more importantly, the patients who would have to reschedule the appointment." <u>Id.</u>

The motion further indicates that on the morning of Thursday, December 5, 2024, counsel for Dr. Punjabi "communicated with Tory Summey, counsel who issued the Subpoena, and

explained that Dr. Punjabi would be willing and happy to reschedule the deposition for a date and

time more convenient for him, his staff, and his patients," and provided "alternate dates of

Wednesday December 18, 2024 (after 4:00 p.m.), or Thursday, December 19, 2024 (after 3:00

p.m.)." Id. The motion indicates that counsel for Defendant "expressed understanding and

appreciation for alternative dates, but...explained this Court had set a deadline of December 16,

2024, to conclude all discovery in this action." Id.

Dr. Punjabi, therefore, respectfully requests that the Court permit the parties "to conduct

his deposition either two (2) or three (3) days beyond the current deadline to complete discovery

for a time that would not disrupt patient care." Id. In the alternative, "Dr. Punjabi respectfully

requests the Court Quash the Subpoena as being unduly burdensome." Id.

For the convenience of Dr. Punjabi as a non-party deponent and out of consideration for

his staff and patients, the undersigned will grant the alternative request to modify the subpoena

such that the completion of Dr. Punjabi's deposition may take place within four (4) days after the

parties' deadline to complete discovery.

IT IS, THEREFORE, ORDERED that Dr. Punjabi's alternative request for modification

in his "...Motion To Modify Or Quash Subpoena" (Document No. 36) is GRANTED with

modification. The parties may conduct Dr. Punjabi's deposition on or before December 20, 2024.

SO ORDERED.

Signed: December 10, 2024

David C. Keesler

United States Magistrate Judge